

Application/Control Number: 10/691,427
Art Unit: 1751

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REMARKS

CLAIM REJECTIONS UNDER 35 USC § 103(a)

Claims 23 and 25-37 were rejected under 35 USC § 103(a) as being unpatentable over Madrange (US 5,143,518) in view of Cottard (US 2001/0023514). It was the Examiner's position that one having ordinary skill in the art at the time the invention was made would have been motivated to modify the composition of Madrange by replacing the cationic polymers with the amphoteric co-polymers of diallyldimethylammonium chloride/acrylic acid (Merquat 280) and amphoteric polymer of dimethyldiallylammonium chloride/acrylic acidlacrylamide terpolymer (Merquat Plus 3330) as taught by Cottard to arrive at the claimed invention because Cottard teaches the equivalence between the cationic and amphoteric polymers in the dyeing composition.

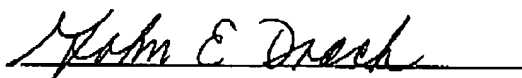
Applicants respectfully traverse this rejection. Applicants hereby submit the declaration of Mustafa Akram, one of the coinventors of the invention claimed in the instant application. The declaration clearly shows that a one-for-one substitution of an amphoteric polymer taught by Cottard for a cationic polymer in Example 13 of Madrange produces unexpectedly improved combability and grip behavior of treated hair, advantages set forth in the instant specification at page 3, lines 6-9. In view of the results in the declaration, a person of ordinary skill in the art would not be motivated to modify the composition of Madrange by replacing the cationic polymers with the amphoteric polymers of Cottard as alleged by the Examiner.

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CONCLUSION

In view of the preceding remarks, arguments and the declaration of Mustafa Akram, Applicants respectfully request reconsideration and allowance of pending claims 23 and 25-37. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 04-1406.

Respectfully submitted,



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